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Lerr O Fox
(signature)

Date of signature and deposit – January 13, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: RENNETAUD ET AL.)	
)	Group Art Unit 3634
Serial No. 10/034,008)	
)	Examiner:
Filed: January 3, 2002)	
)	Attorney Docket 15818 US
For: DOOR SUSPENSION SYSTEM)	
)	

January 10, 2003

Commissioner for Patents
Washington, D.C. 20231

PETITION UNDER 37 CFR 1.183 TO SUSPEND THE RULES

Sir:

On March 18, 2002 (mailed March 7), a Petition Under 37 CFR 1.10(c) was filed to accord a filing date of December 20, 2001 in the above-identified patent application. A copy of the Petition is attached.

On December 13, 2002, a Decision on Petition was issued on the above-identified Petition. A copy of this Decision is attached.

In the above-identified Decision, it is stated that the Petition lacks a copy of the Express Mail label as required by the rule and no reason has been suggested why this requirement has not been met. The Decision notes "that the USPS.com tracking report does tend to support Petitioner's claim." The Decision states that "Petitioner should either file a true copy of the Express Mail label as required by the rule or file a petition under 37 C.F.R. §1.183 requesting waiver of the rules regarding the requirement that the copy be included."

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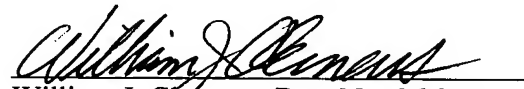
Petitioner is unable to file a copy of the Express Mail label since the above-identified patent application was deposited in an Express Mail drop box on December 20, 2001 and the Express Mail label was not returned by the USPS. However, the copy of the "Shipment History" attached to the Petition shows that this patent application was: 1) received by the USPS and enroute as of December 20; and 2) received by the USPTO on December 21, 2001. This "Shipment History" is the "other official USPS notation" referred to in 37 C.F.R. 1.10(c).

All of the evidence of a mailing date, the USPS computer printout, the return receipt postcard and both signatures on the Utility Patent Application Transmittal form, is dated December 20, 2001.

In view of the above showing, Applicant requests a waiver of the rules regarding the requirement that a copy of the Express Mail label be included with the petition and that the present application be accorded a filing date of December 20, 2001.

Please charge the fee associated with the filing of this petition to Deposit Account 50-0567 as authorized on the enclosed Fee Transmittal form.

Respectfully submitted,


William J. Clemens, Reg. No. 26,855
(734) 542-9577

MacMILLAN, SOBANSKI & TODD, LLC
One Maritime Plaza, Fourth Floor
720 Water Street
Toledo, OH 43604-1853

c:\cf\2003\15818.bbq



CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: Mar 7, 2002

Terri L. Fox
Terri L. Fox

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): RENNETAUD et al.

Serial No: 10/034,008

Title: DOOR SUSPENSION SYSTEM

Commissioner of Patents and Trademarks
Washington, D.C. 20231

PETITION UNDER 37 CFR 1.10 (c)

Sir:

Pursuant to 37 CFR 1.10, applicant hereby petitions that a filing date of December 20, 2001, be accorded to the above-identified patent application that was USPS Express Mailed to the USPTO on that date. Applicant became aware that the Office accorded a filing date other than the USPS deposit date when a return receipt postcard was received on January 14, 2002 and again when a Filing Receipt was received on February 7, 2002, both indicating a filing date of January 3, 2002.

In accordance with 37 CFR 1.10(c)(1), this petition is being filed promptly after Applicant became aware of the discrepancy.

In accordance with the requirements of 37 CFR 1.10(c)(2), the Express Mailing Label number EL588510702US was entered onto the Utility Patent Application Transmittal prior to mailing by Express Mail, as shown on the enclosed copy of the Transmittal Form.

In accordance with the requirements of 37 CFR 1.10(c)(3), a computer printout given to Applicant by the USPS as obtained from the USPS intranet tracking system is attached showing that Express Mail item EL588510702US was en route to the USPTO on December 20, 2001 and was delivered to the Office on December 21. The enclosed tracking record, which was maintained by the USPS, constitutes its official notation.

In view of the above showing, Applicant requests that the present application be accorded a filing date of December 20, 2001.

Please charge any fees associated with the filing of this petition to Deposit Account 50-0567.

Respectfully submitted,



William J. Clemens
Registration No. 26,855
Attorney for Applicant

Dated: March 5, 2002
MacMillan, Sobanski & Todd, LLC
One Maritime Plaza, Fourth Floor
720 Water Street
Toledo, Ohio 43604
Tel: 734-542-0900
Fax: 734-542-9569

c:/cf/2003/15818.aft

PATENT APPLICATION TRANSMITTAL

Only for new nonprovisional applications under 37 CFR 1.53(b)

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application components

Attorney Do

15818 US

First Inventor or Application Identifier

Jean-Marie Rennetaud et al.

Door Suspension System

Express Mail Label No.

EL 588510702 US

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ *Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)

2. ☐ Applicant claims small entity status.
(See 37 CFR 1.27)

3. ☒ Specification [Total Pages 10]
(preferred arrangement set forth below)

- Descriptive title of the Invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R&D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4. ☒ Drawing(s) (35 USC 113) [Total Sheets 3]

5. Oath or Declaration [Total Pages 2]

- a. ☒ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
[Note Box 5 below]

DELETION OF INVENTORS

- i. ☐ Signed statement attached deleting inventor(s) named in the prior application, see CFR §§ 1.63(d)(2) and 1.33(b).

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. ☐ Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)

a. ☐ Computer Readable Form (CRF)

b. Specification Sequence Listing on:

i. ☐ CD-ROM or CD-R (2 copies); or

ii. ☐ Paper

c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & documents)

10. ☐ 37 CFR §3.73(b) Statement ☒ Power of Attorney
(when there is an assignee)

11. ☐ English Translation Document (if applicable).

12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations

13. ☐ Preliminary Amendment

14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)

15. ☒ Certified Copy of Priority Document(s)
(if foreign priority is claimed)

16. ☐ Request and Certificate under 35 U.S.C. 122(b)(2)(B)(i).
Applicant must attach Form PTO/SB/35 or its equivalent

17. ☐ Other: _____

6. ☐ Application Data Sheet. See 37 CFR 1.76

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

Prior application information: Examiner _____

of prior Application No. _____ /
Group/Art Unit _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

or ☐ Correspondence address below



04859

PATENT TRADEMARK OFFICE

Name William J. Clemens, Esq.

Address

City

Country

Telephone

734/542-0900

Zip Code

Fax

734/542-9569

Name (print/type) William J. Clemens

Registration No. (Attorney/Agent)

26,855

Signature

William J. Clemens

Date

December 20, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231 c:\2003\15818.sb05.doc

Certificate of Mailing by Express Mail

"Express Mail" Mailing Label No. EL 588510702 US Date of Deposit December 20, 2001. I hereby certify that this paper or fee is being deposited with the United States "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, DC 20231.

Terri L. Fox

JAN 23 2003

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Shipment History

You entered EL58 8510 702U S

Your item was delivered at 11:30 am on December 21, 2001 in ARLINGTON, VA 22202 to US PTO 2327. The item was signed for by D BOSTON.

Here is what happened earlier:

- ENROUTE, December 20, 2001, 7:18 pm

[Request Delivery Record >](#)

Track & Confirm

Enter number from shipping receipt in the field below:



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Paper No. 4

D/H
2/13/03 OFFAC
MACMILLAN SOBANSKI & TODD, LLC
ONE MARITIME PLAZA FOURTH FLOOR
720 WATER STREET
TOLEDO OH 43604-1619

In re Application of:
Rennetaud, *et al.*
Application No. 10/034,008
Filed: January 3, 2002
Attorney Docket No. 15818 US

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DEC 13 2002

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DECISION ON
PETITION

I. BACKGROUND

This is a decision on the March 18, 2002 petition under 37 C.F.R. §1.10(c) requesting that the above-identified application be accorded a filing date of December 20, 2001, rather than the presently accorded filing date of January 3, 2002.

II. THE RULE

37 C.F.R. § 1.10 Filing of correspondence by "Express Mail."

(a)...

(b)...

(c) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and

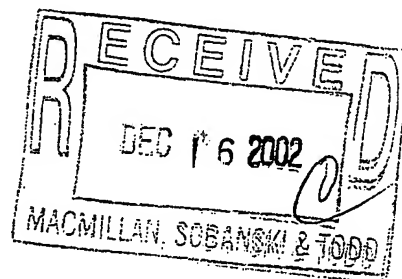
(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

(d)...

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IV. ANALYSIS

Petitioner alleges that the application was deposited in Express Mail service on December 20, 2001. In support, the petition is accompanied by copies of the USPS.com tracking report for Express Mail label number EL588510702US, and the application cover sheet.

However, the plain language of the rule cited above states that a copy of the Express Mail label is required in order to receive favorable consideration under this rule. No reason has been suggested as to why this requirement has not been met.

It is noted that the USPS.com tracking report does tend to support Petitioner's claim. It is suggested that if Petitioner desires reconsideration of this issue, Petitioner should either file a true copy of the Express Mail label as required by the rule or file a petition under 37 C.F.R. §1.183 requesting waiver of the rules regarding the requirement that the copy be included.

V. CONCLUSION

In view of the above, *this petition is dismissed.*

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.10(c)".

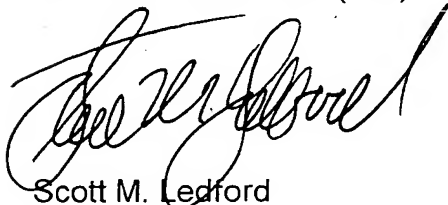
Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
Four Crystal Plaza, Suite 3C23
2201 South Clark Place
Arlington, VA 22202

Telephone inquiries concerning this matter may be directed to the undersigned in the Office of Petitions at (703) 306-5593.



Scott M. Ledford
Attorney
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Examination Policy